

HOMELAND SECURITY: THE MILITARY'S CONFUSING ROLE

Colonel Martin Hershkowitz (MDDF-Ret)

***Editorial:** This article is in the form of an editorial based upon three United States Air Force's Air University (AU) "CADRE Quick-Look" articles or "dialogs" by Colonel John L. Conway III (USAF-Retired). Colonel Conway is a military defense analyst assigned to the Air University. "CADRE Quick-Look" serves as a catalyst for air and space power research dialogue. In these "dialogs" Colonel Conway examines the roles of the military and civilian "coalition partners," in particular that of the U.S. Air Force, in meeting the mission requirements of homeland defense (HD) and homeland security (HS). The CADRE Quick-Look dialogs deal with the dual HD and HS roles of NORTHCOM^g; the competing combat and HD roles of the Air National Guard^h; and the possible use of the State Defense Force by the Air Force in support of its HS roleⁱ. All three CADRE Quick-Look dialogues by Colonel Conway are contained herein.*

The Department of Homeland Security (DHS) expects and depends upon the military to undertake a significant role in protecting our homeland; however, they are only one of many agencies and organizations that have such a role. The totality of these diverse agencies and organizations are identified by Colonel Conway as the "coalition of the willing." He points out that the number of federal, state and local agencies, bureaus and organizations involved in homeland security (HS) is huge. Now, add to that coalition the number of universities and industrial organization who provide, at the least, research, development and advisory services, and under some conditions fulfill operational roles, and the number grows without real bounds. The result, a very complex and difficult mission management situation. Finally, as anyone who has chaired a large committee knows, within the coalition is a subgroup who perceives that their turf is being threatened and becomes a subliminal "coalition of the unwilling." Consider the complexity and possible confusion that can result from such a mission management situation.

NORTHCOM's role is twofold, on the one hand it is responsible for the defense of the homeland, preventing an attack from outside the borders; on the other hand, it is responsible for assisting federal, state and local governments in providing security within the borders, as a force multiplier. Colonel Conway stated it well when he said that NORTHCOM "must understand whom it works for, who works for it, what it can do, what it cannot do, and when it can do all of these things." Until this is fully understood and internalized, NORTHCOM's interaction with its coalition partners will lead to misunderstanding, confusion and possible faulty mission management.

An example of the above is the use of the phrase "first responder." Different agencies have different operational definitions for the phrase. In this situation, the civilian agencies would be in position to respond first to a situation, while NORTHCOM would fill any gaps in response with their

^g John L. Conway III, "Homeland Security – NORTHCOM's Coalition War," *CADRE Quick-Look*, February 2005.

^h John L. Conway III, "AEF and Homeland Security: The Air National Guard's Competing Roles," *CADRE Quick-Look*, April 2005.

ⁱ John L. Conway III, "Air Force Use of State Defense Forces in Homeland Security," *CADRE Quick-Look*, April 2005.

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own capabilities. Typically, the emergency services are the first responders, yet NORTHCOM has such emergency services fully capable to respond immediately should the situation warrant such action and, in at least one case this has happened. State Police consider themselves as the emergency first responder, yet so do the local police, so is this a jurisdictional problem or a definitional one?

Yet another problem Colonel Conway points out is communication. Where does mission control sit when the police, fire department, Air Force and ground troops all use different frequencies to communicate? Who has control of the ground situation? Who controls on-site tactics? How can the coalition partners be coordinated into a single, well directed effort?

If NORTHCOM's role can be confusing, the competing roles of the Air National Guard raises even greater concern. As Colonel Conway notes from a General Accounting Office report, the competing requirements of combat and HS missions "have significantly reduced Air Guard unit training effectiveness and thus, its overall combat effectiveness." For discussion purposes, he suggests that some Air National Guard units be assigned to fully support HS missions only; however, he further notes the many pros and cons associated with such a decision, some of which are:

- The sole HS mission simplifies training and provides the Governor with an "at home" force for state emergencies; however, it requires that the remaining Guard and Reserve flying units pick up the slack and removes the HS units from the Total Force.
- A Guard unit flying in its Title 32 role eliminates *Posse Comitatus* concerns; however, Northcom believes that the Act provides it that authority.
- Separating the two roles could simplify lines of authority and responsibility, and shorten response time in a crisis; however, geographic location of Air Guard units may not meet NORTHCOM/NORAD plans for fighter coverage, possibly requiring Air Combat Command (ACC) to provide adequate coverage, reducing ACC's aircraft availability and most likely increase Temporary Duty assignments and deployment costs.

Colonel Conway suggests a solution, which is to assign the Guard HS squadrons to NORTHCOM/NORAD, make their responsibilities part of the Air Expeditionary Force (AEF) cycle to spread responsibility for the HS mission throughout the fighter force and create "blended/integrated" fighter units to increase available manpower for both AEF and HS missions while utilizing the same airframes.

Colonel Conway's third *Cadre Quick-Look* article looks at the State Defense Force's (SDF's) role as a partner in the "coalition of the willing." He notes that, under HR2797 – "State Defense Force Improvement Act of 2003" (and its subsequent reintroduction to the Congress), the SDF would be inserted into the Total Force in a HS role; however, due to the nature of the SDF, this coalition could be complicated and unwieldy. Some examples are:

- The typical SDF trains for some 12 half days and one full day each year, with some additional time for attending Academies, other training and occasional mission opportunities; thus, it would be unlikely for one to achieve the acceptable proficiency levels required by the Active and Reserve Force.

- Variation in state physical fitness requirements and age limits raises questions about individual SDF members' ability to fully function in strenuous assignments.
- SDF forces can neither command or be commanded by federal forces, thus causing delays and confusion as orders in a NORTHCOM/Homeland Security environment would have to include each state's adjutant general staff.
- Personnel within NORTHCOM Headquarters work with sensitive information; however, there is no provision for SDF personnel to obtain background investigations.
- Many of the public view the authorized and approved SDF as being very little or no different from the self-proclaimed militias or survivalist groups and would hesitate or even fear to accept guidance from them.

Colonel Conway suggests that the National Guard Bureau Regulation 10-4 be rewritten to clearly spell out roles and responsibilities, and to include fiscal guidelines and command and control protocols. Although the need to rewrite such material is clear, the traditional "turf wars" within a government agency would cause this action to take years; thus, delaying any integration of the SDF as a homeland security force multiplier.

Colonel Conway's three Quick-Look articles yield excellent insight into NORTHCOM's confusing role in homeland security, particularly with regard to the U.S. Air Force; however, it does not end there. The concern raised by the articles holds true for all the armed forces, Active and Reserves. The Army and Navy clearly encounter the same problems when dealing with the "coalition of the willing" (and "unwilling"); they suffer the same limitation of resources when faced with training versus mission activities; and would face the same complicated and unwieldy situation when attempting to integrate the SDF into the total force structure.

What then is the answer? How can the SDF participate in homeland security given the complexities discussed above? What role(s) can the SDF undertake to support their communities in homeland security?

The answer is quite simple to state and quite complex to implement. The SDF command within each state and community must examine the specific needs within their domain and seek out the gaps that exist within the state and local homeland security plans. With these gaps as a target, they must then examine their force structure and the extent to which that force can cope with the gaps. This internal examination might lead to the need to restructure their force, say away from light infantry and toward emergency medical support for an example. Clearly, there are many scenarios that will assist the SDF to meet and fill those gaps; however, another "small p" political specter needs to be faced while considering restructuring the force, the will of the State Adjutant General and the protectionism of the State National Guard Command. Years of experience have caused the SDF Command to be very sensitive to these needs.

The answer then is for each SDF Command to seek out these gaps, prepare a force structure plan that will assist their NG and HS organization in mitigating a spectrum of natural and terrorist sponsored disasters, and convince their Adjutant General that they can indeed bring the SDF to bear on these problems. Assuming approval, the next problem is to actually seek out and recruit the necessary professionals to staff and build the "new" SDF organization. Here there is some form of help as there

are several SDF units around the country who have already faced this problem, developed their solution and are most willing to share their knowledge base with fellow SDF units: Maryland with medical and legal; Texas with medical; South Carolina with homeland defense and communications; Alaska with a Constabulary Academy for a sparsely populated large land mass; a number of SDF units with a Chaplaincy unit; and New York, New Jersey and Michigan with a Naval Militia; to name just a few.

CADRE Quick-Look

Catalyst for Air & Space Power Research Dialogue



FEBRUARY 2005

Homeland Security—NORTHCOM's Coalition War

John L. Conway III

Issue. The United States has entered into a new phase in its military history, passing quickly through “joint” warfare into the realm of “coalition” warfare. Indeed, it is postulated that coalition warfare will be the only way we will conduct future fights. Coalition warfare has many facets: it involves the blending of different cultures, multiple languages, dialects, and disparate weapon systems, as well as differing perceptions of end states and how to achieve them. In the wake of 9/11, HQ Northern Command (HQ NORTHCOM) was created to accomplish two goals: to provide the military response to attacks within the United States at the request of the newly formed Department of Homeland Security (DHS) and to perform the National Security mission of air defense of the North American continent through HQ NORAD.

As Steve Flynn from the Council on Foreign Relations has observed: “We do National Security very well and Homeland Security very badly.”

NORTHCOM's National Security role is, for the most part, a continuation of NORAD's successful alliance with Canada; a 50 year relationship that has transcended the Cold War and has moved toward the new air defense realities *i.e.*, defense within the borders as well as outside them, post 9/11.

In its Homeland Security role however, NORTHCOM is part of a “coalition of the willing,” much like the one CENTCOM fulfills. But unlike CENTCOM's dozen or so international coalition partners, NORTHCOM's are the numerous federal, state and local agencies, bureaus and organizations involved in Homeland Security; many more partners than any international coalition would ever envision. For example, just within the law enforcement community, there are 600,000 police in 18,000 police departments, and 31,000 separate sheriff's departments.

Background. The creation of the DHS was the largest reorganization of the government since the National Security Act of 1947. Overnight, agencies changed hands, functions were removed from their traditional management chains, and an entire new government agency was created. Twenty-two government services were moved into five directorates under the newly minted DHS. This is still a work in progress. A telling milestone is that within DHS there are still three separate pay systems, down from over a half dozen two years after its creation.

In the same time frame, NORTHCOM was created as a new Unified Command, taking resources from US Space Command and Strategic Command, as well from the Army's US Forces Command (USFORCECOM). However, unlike DHS, NORTHCOM has relatively few organic resources.

The real challenge is executing NORTHCOM's role as DOD's force provider for all natural or man-made *i.e.*, terrorist, disasters within the United States. It must understand whom it works for, who works for it, what it can do, what it cannot do, and when it can do all of these things.

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The Way Ahead. NORTHCOM must approach the war on terrorism as a coalition war *e.g.*, a war of disparate partners with a common goal. To be effective, it must learn the language, customs, and goals of its domestic coalition partners just like CENTCOM must do with its international partners.

Establishing common terminology is a first step. For example, the term “first responder” has different connotations for different agencies. Local, municipal and state emergency personnel would be “first responders,” with the military called in if these resources were overwhelmed. However, many fire and rescue elements from Tinker AFB immediately responded to the explosion at the Alfred P. Murrah Federal building in downtown Oklahoma City. Presidential authority for federal aid was given within three hours of the blast. Who then, is really a “first responder?”

Communications is another issue. On 9/11, the New York City Police and Fire Departments could not communicate with each other because their radios were preset to different frequencies. At Oklahoma City, a similar situation occurred. Given the number of potential agencies and departments responding to any domestic Weapons of Mass Destruction (WMD) scenario, frequency management could be a major problem. Frequency allocation and discipline will be keys to success.

Another concern will be the Common Operating Picture: what is the real tactical situation? “Ground truth” must be available to NORTHCOM so that reliance on the media won’t be necessary to obtain an accurate picture of ongoing operations. Given the high probability that convoys, airlift sorties, and significant personnel movements will comprise the DOD response, clear and continuing understanding of what is happening will be of paramount importance to NORTHCOM decision makers.

All of these challenges to success—and more—will stem from a coalition of disparate partners who will want to achieve the same goals, but who literally speak different languages.

To understand how to successfully traverse this rocky ground, NORTHCOM planners should become familiar with the planning principles used by the Multinational Planning Augmentation Team (MPAT) in the Pacific Rim. MPAT currently has 31 participating nations whose goal is to minimize “spin-up” time in an emergency by agreeing to create a series of common starting points *e.g.*, decision making process, organizational structure, C2 architecture, etc. Understanding how to adapt MPAT for Homeland Security response planning is an important first step. It will not replace headquarters elements, but will provide the framework for a rapid start.

Waiting to be invited to the coalition—even if willing—is too late to effect changes.

CADRE Quick-Look

Catalyst for Air & Space Power Research Dialogue



AEF and Homeland Security: The Air National Guard's Competing Roles

John L. Conway III

Problem: The continuing requirements of AEF and Operation Noble Eagle (ONE) will test the limits of the Air Guard's fighter resources. Finding a balance between the two is a difficult task that may require tradeoffs in mission, equipment, and even geographic beddowns.

Background: AEF rotations have always incorporated the Total Force, with the Air Guard and the Air Force Reserve as full participants.

After 9/11, Homeland Security became an important and very visible Air Force mission. Recently, this mission has become almost exclusively the purview of the Air National Guard, with 17 of the 18 steady state alert sites to be manned by the Air National Guard squadrons in the near future. Day to day, the Air Guard pulls the short notice taskings, while active duty aircraft accomplish long duration airborne patrols. These practices follow the Air Guard's "Vanguard Engagement Strategy," which envisions shared missions, bases, and aircraft within the Total Force.

However, the GAO reported that the competing requirements of AEF rotations and Homeland Security missions have significantly reduced Air Guard unit training effectiveness and thus, its overall combat readiness.

Discussion: To meet the expanded requirements of Operation Noble Eagle, some ANG fighter units should be pulled out of their AEF commitments to solely support Homeland Security. While this may make sense in the short run, this proposed action has many pros and cons:

Pro: Focusing a Guard fighter unit solely on the Homeland Defense mission would simplify its training requirements, focus the unit's mission in only one direction, and provide an "at home" force for the governor and the state for emergencies.

Con: To do so would further complicate AEF rotations and place additional burdens on other Guard, Reserve and active duty flying units to pick up the slack.

Con: A solely "at home" flying unit may seem less of a "Total Force" asset, since it presumably would not be available for worldwide deployment in the larger Air Force.

Pro: Unlike active duty and Air Force Reserve units, use of the Guard for Homeland Security missions in its Title 32 (state active duty under the command and control of the state governor) role eliminates *Posse Comitatus* issues regarding use of the military for law enforcement.

Pro: The NORTHCOM commander believes the *Posse Comitatus* Act provides NORTHCOM the authority to do its job and that "... no modification is needed at this time."

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Pro: Keeping Guard fighter units training/deploying for AEF as well as pulling air defense alerts and patrols at home station ensures a fully engaged force.

Con: The time and sustainability to support both missions has already strained aircraft utilization rates and manpower (full-time and part-time) availability, and created shortfalls in fulfilling recurring training requirements.

Pro: An exclusively Homeland Security mission for a Guard flying unit, assigned to NORTHCOM, may imply that the unit would not deploy overseas. This might prove to be an incentive for recruiting and retention.

Con: While a Homeland Security mission fulfills the intent of the “well regulated militia,” the Air National Guard has transitioned to a full partner in the Total Force in the past three decades. Another shift would appear to be a withdrawal—in part—from that hard-won role and could have the opposite effect on recruiting retention and morale.

Con: To date Guard reenlistment rates don’t support that theory. Some data suggests that reenlistments are up in units that do deploy vice those that don’t.

Pro: Re-rolling Guard fighter units to Homeland Security, gained by Northern Command (NORTHCOM), could simplify lines of authority and responsibility in a national emergency and shorten its response time in a crisis.

Con: The current geographic location of Guard fighter units may not meet all of the NORTHCOM/NORAD’s plans for fighter coverage. Active duty and Air Force Reserve units may also be needed from ACC to provide adequate coverage throughout the country. This would tend to perpetuate the problem of dual commitments while reducing the number of aircraft available for AEF.

Con: This addition would most likely result in increased TDY and deployment costs.

Solutions:

- Assign Guard Homeland Security squadrons to NORTHCOM/NORAD.
 - NORTHCOM/NORAD could be a force provider for AEF in the same way as EUCOM and PACOM.
- Since AEF rotations provide Air Force units with predictable periods of deployment, make Homeland Security fighter responsibilities part of the AEF cycle.
 - This would spread responsibility for the mission throughout the fighter force. Units could periodically deploy in CONUS to pre-determined CONUS locations just as they do to overseas locations.
- Increase ONE tasked Guard fighter units from 15 PAA to 18-24 PAA to take advantage of some of the F-16s slated to retire from the active inventory.
 - Make these units “blended/integrated” units by adding active duty pilots and increase aircrew ratios from 1.32 to 2.0.
 - “Blended/integrated” fighter units would increase available manpower for both AEF and Homeland Security missions while utilizing the same airframes.
 - AFRC’s Reserve Associate program has been a success story for the past 30 years and could be used as a framework for integrated Homeland Security/ONE squadrons.

CADRE Quick-Look

Catalyst for Air & Space Power Research Dialogue



Air Force Use of State Defense Forces in Homeland Security.

John L. Conway III

Issue. One true thing since 9/11 is that the Air Force and her sister services will never function unilaterally again. “Coalition warfare,” “joint operations” and a host of similar terms are shaping our view of our allies.

This holds just as true for the Homeland Security mission. Our Homeland Security “partners” will come from local, municipal, and state agencies, as well as other Departments of the Federal government. Understanding how to work with each will ensure that the Air Force is correctly postured and trained to support this emerging mission.

How these new “coalition” partners would work with NORTHCOM, as the DOD agent for Homeland Security, or with the Air Force, as one of its force providers, is ill defined and uncertain.

Potential new players in this mix are the State Defense Forces (SDFs); those forces organized at the state level to augment or replace National Guard units called into federal service. The number of National Guard units called up after 9/11 have fueled concerns that no state military forces will be available to respond to any natural disaster or Homeland Defense scenario. As a result, a number of states have revitalized these State Defense Forces for Homeland Security duties; this despite an assurance from the Chief of the National Guard Bureau to the Conference of State Governors in February 2004 that at least 50% of all Guard personnel will remain at home at all times.

Nevertheless, just as we must understand other members of any coalition of the willing, we must understand State Defense Forces and their potential role in Homeland Security.

Discussion. “State Defense Forces” is a generic term used to describe militias under the several states organized under the Constitution’s call for a “well regulated militia” in Article 2. Specific justification for them is contained in USC Title 32, Section 109 (c), “Maintenance of Other Troops.”

Other terms for SDFs include: “State Guards,” “State Military Reserves,” “State Military Forces,” and “National Guard Reserves.” Precise terminology to define them is the prerogative of each state. However, these units organized under the auspices of the states are not to be confused with the so-called “State Militias.” These “militias” typically run the gamut from merely Civil War reenactors to survivalist and ultra right wing organizations.

SDFs are typically organized as Army units *e.g.* MP companies or light infantry, suitable for constabulary duties, while several also have aviation battalions. Four states—Alaska, Texas, New York, and Virginia—have also stood up Air Sections to augment their state’s Air National Guard units.

Nationwide, SDF total numbers are somewhat misleading: although 22 states and the Commonwealth of Puerto Rico have recognized State Defense Forces, they total only around 11,000 personnel.

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SDFs are funded entirely by their states and subject to call-up only by their Governor and Adjutant General. No federal funds can be used and no federal oversight or tasking is allowed. The National Guard Bureau (NGB) provides general oversight via NGBR 10-4, "State Defense Forces, National Guard Bureau and State National Guard Interaction," as well as some limited funding.

However, since 9/11, SDFs have begun shifting their focus from strictly National Guard support to the Homeland Security mission. SDFs are being reorganized to support local FEMA centers, augment command and control centers, provide medical support, and support installation security as well as other Homeland Security missions.

A bill to grant federal recognition of SDFs as a part of the Homeland Security effort, HR 2797 – "State Defense Force Improvement Act of 2003," is currently in review. SDFs would be inserted into the Total Force in a Homeland Security role and would be allowed to receive surplus federal equipment if requested by the state, giving them entrée to federal resources and changing the paradigm for state forces. This could also mean additional federal funding would have to be provided to the Guard to make up Guard funds expended the SDFs in an expanded role.

At first glance, the introduction of SDFs into the Homeland Security mission appears to have but a minor impact on the Air Force, but as any other "partner" in a coalition, SDF roles will have to be understood and addressed.

Due to the nature of SDFs, this coalition could be complicated and unwieldy.

Perception: SDFs, by their own admission, suffer from the public perception of a "state militia," with all of its anti-government (think "Ruby Ridge") connotations. This association could create a negative public perception of the Air Force *i.e.* condoning and supporting ultra-conservative groups, without full public understanding of these groups.

Training and Fitness: SDF training periods are unpaid and typically consist of only one day a month and five days of annual training. Given the current high OPSTEMPO throughout the Air Force, it is unlikely that SDFs can train to an acceptable proficiency level to provide any meaningful support. Physical fitness standards (and even maximum age limits) vary widely by state, with no assurance that individuals in the SDFs would be "Fit to Fight."

Authority: Since SDFs can neither command federal forces nor be commanded by them, lines of authority and responsibility must run through the states' Adjutants General. In a joint (NORTHCOM/Homeland Security) environment, this could result in delays and confusion of orders unless carefully crafted lanes of the road are created.

Security: There is no provision to conduct background investigations for SDFs and previous military or Civil Service security clearances for SDF personnel are not valid. This poses an additional limiting factor SDF personnel working within NORTHCOM headquarters or any location requiring work with sensitive information.

Recommendations. The Air Force must understand SDFs as they become coalition partner of the Homeland Security mission.

As a start, NGBR 10-4, written in 1987, must be revised to reflect present roles and missions and anticipated lanes of the road. It should clearly spell out roles and responsibilities, to include fiscal guidelines and command and control protocols.

If federal resources become available to SDFs, the Air Force must assume a greater oversight role, even if such role must be vetted through state Adjutants General.

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The Air Force Office of Public Affairs should familiarize itself with SDFs and their legitimate role within the state construct. It should prepare clear PA guidance regarding the Air Force's association with them in order to preclude public perception of military support to so-called "militia" groups.